

in which they are listed in the claims.

Thus, the 35 USC §112, second paragraph, rejection should be withdrawn.

Claims 1-9 stand rejected under 35 USC §102(b) as anticipated by JP 9-128,648 to Tatsuya (hereinafter "Tatsuya").

Applicants respectfully traverse this rejection.

Tatsuya discloses a commodity take-out device in which the commodities are prepared in a commodity containing part 2 in a take-out-impossible state locked by a lock mechanism with a door 6 in a blocked state.

Immediately after information of a bar code 11 indicating commodity contents which are allocated at every door 6 in place of the commodity itself is read by the bar code scanner 15, a reading recognition light emitting part 19 at a bar code scanner 15 side emits light, a reading recognition light receiving part 20 receives light so as to release the lock of the lock mechanism in the door 6 of a corresponding commodity take-out port 5 and the commodity can be taken-out so that the read bar code information correctly corresponds to the take-out commodity.

Tatsuya is directed to opening a door containing a commodity, and we fail to see how any element in Tatsuya corresponds to a tag, deactivator or the detector of the present invention. Even if, arguendo, the Examiner is correct in urging that the "deactivator" is constituted by the reading recognition light receiving part 20, there is still no element corresponding to the detector claimed in the instant application.

Furthermore, Tatsuya fails to disclose a detector which detects magnetism of the tag, as recited in claims 2-9 of the instant application.

Thus, the §102(b) rejection should be withdrawn.

In view of the aforementioned amendments and accompanying remarks, claims 1-9, as amended, are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees which may be due with respect to this paper, may be charged to Deposit Account No. 01-2340.

Respectfully submitted,

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Enclosures: Petition for Extension of Time  
Substitute Abstract